IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 18045 of 1994

Between:

Potluri Laxmi Devamma, W/o. Raidu,
R/o. Potluru Village, Savalyapuram Mandal,
Guntur District.

..... PETITIONER

AND

1 District Collector,
Guntur District, A.P.
2 Mandal Revenue Officer, Savalyapuram Mandal,
Guntur District, A.P.
3 Divyakolu Rajyalaxmi, W/o. Rathaiah, aged about 30 years, R/o. Potluru Village, Savalyapuram Mandal,
Guntur District, A.P.
4 Divyakolu. Rathaiah, S/o. Subbaiah, aged about 45 years, R/o. Potluru Village, Savalyapuram Mandal,
Guntur District, A.P.
5 D. Subba Rao, S/o. Kotaiah,
R/o. Potluru Village, Savalyapuram Mandal, Guntur District.
6 Abburi Perraiah, S/o. Anantharamaiah,
R/o. Potluru Village, Savalyapuram Mandal, Guntur District.
7 Gaddam Venkateswarlu, S/o. Subbaiah,
R/o. Tummalacheruvu Village, hamlet of Kothaluru (post), Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order or orders or direction mainly in the nature of writ of mandamus, directing the R.1 & R.2 not to cancel the assignment made in favour of the petitioner by the Tahasildar, Vinukonda and not to assign the same land which was given to the petitioner, in the favour of respondents 3 to 7 and pass such other order or orders.

Counsel for the Petitioner: SMT.A.ANASUYA

Counsel for the Respondent Nos.1 & 2: GP FOR REVENUE

Counsel for the Respondent Nos.3 to 7: SRI.S.S.AHAMMAD

The Court made the following:

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ORDER:

The present writ petition has been filed seeking a writ of Mandamus, directing the 1st and 2nd respondents not to cancel the assignment made in favour of the petitioner by the Tahsildar, Vinukonda, and not to assign the same land in favour of the respondents 3 to 7.

It is stated that in the affidavit, filed in support of the petition, that the land admeasuring Ac.2-00 cents in Sy.No.182/15-2-B, situated in Kothalur Village, Vinukonda Taluq was assigned to the petitioner by Tahsildar, Vinukonda, vide proceedings L.Dis.No.3921, dated 23.01.1968. It is further contended that as the value of the land increased, the respondents 3 to 7 in order to grab the same from the petitioner have approached the Mandal Revenue Officer and discussed about the assignment of the land. In pursuance of their discussions, the 1st and 2nd respondents with an intention to assign the land to the respondents 3 to 7 are trying to cancel the assignment in favour of the petitioner. Hence, the writ petition.

The 1st and 2nd respondents filed the counter-affidavit denying all the material allegations and also disputed the factum of assignment of land in question to the petitioner stating that the patta of the petitioner is a bogus one and the name of the petitioner is not found in the village accounts. It is further contended that the said proceedings of the Tahsildar, Vinukonda, and the name of the petitioner were not found in the Adangals of Kothalur village from fasalies 1400 to 1406. The name of the petitioner was neither recorded in the pattadar column nor in the enjoyer column. It is also further stated that the Mandal Revenue Officer has verified the Village account No.3 of Kothalur village in Sy.No.185/15 and classified it as assessed waste dry land measuring an extent of Ac.3.34 cents and is still recorded as vacant. There is no encroachment either by the petitioner or by the respondents 3 to 7.

Rebutting the averments made in the counter-affidavit, the learned counsel for the petitioner has argued that Ek-sal patta for the land in question has been granted to the petitioner by the Tahsildar of Vinukonda, vide proceedings No.3921, dated 23.01.1968.

The record shows that while admitting the writ petition, this Court on 05.10.1994 granted interim direction not to interfere with the possession of the petitioner over the land in question, pending further orders of this Court.

Even assuming that the contention of the learned counsel is true, it is to be inferred that the patta was granted in favour of the petitioner only for a period of one year and the same expired on 23.01.1964 and there is no material produced before this Court to show that the said patta has been renewed thereafter.

In view of these disputed questions of fact with regard to the title, this Court by exercising its power under Article-226 of the Constitution of India cannot go into the issue involving the questions of fact and evidence.

Under the above circumstances, the writ petition needs no interference and is accordingly dismissed. No costs.

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29.07.2004

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To

1 District Collector,
Guntur District, A.P.
2 Mandal Revenue Officer, Savalyapuram Mandal,
Guntur District, A.P.
3 Two CCs to Government Pleader for Revenue, High Court Buildings,

Hyderabad.

4 Two CD copies.